UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,455	12/03/2004	Michel Puech	Q84452	2876

23373 7590 09/12/2008
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER	
OLSEN, ALLAN W	

ART UNIT	PAPER NUMBER
1792	

MAIL DATE	DELIVERY MODE
09/12/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/516,455	PUECH, MICHEL	
	Examiner	Art Unit	
	Allan Olsen	1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 September 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4 and 11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4 and 11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *03 December 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 5, 2008 has been entered.

Examiner's Note Regarding the Following Rejection

The claims have been amended to include a recitation pertaining to the magnitude of the RF power. This new limitation is addressed at the end of the rejection. Otherwise the rejection is exactly as set forth in the previous final Office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,456,796 issued to Gupta et al. (hereinafter, Gupta).

Gupta teaches ramping up the power level in a plasma reactor (abstract; Figure 2b; column 3, lines 6-38column 2, lines 44-45).

Gupta teaches a plasma etching method wherein a gas that is inert for the substrate is injected into the reaction chamber and the power of the plasma excitation electromagnetic wave is raised progressively until the appropriate nominal power is reached, thereby forming an inert gas plasma, which would progressively heat up the plasma chamber's leakproof wall of dielectric material. Gupta teaches injecting a reactive gas into the reaction chamber to replace the inert gas and to perform etching by the plasma of the active gas. Note the following excerpt from column 5:

> Thus, it is preferred when practicing this embodiment of the present invention for these applications to initiate and slowly ramp the plasma power level in the presence of an inert gas, such as Argon. In this way contaminants are not agitated by the plasma ramp and contamination is minimized, as taught above. When the plasma is at its full power level (indicated by numeric designator **23** on FIG. **2***b*), the flow of inert gas to the reaction chamber may be stopped and the desired reactant gas is introduced into the chamber.

Gupta does not explicitly teach an inductively coupled plasma process wherein the substrate is biased.

It would have been obvious to one skilled in the art at the time the invention was made to carry out Gupta's method in an inductively-coupled plasma apparatus while biasing the substrate because Gupta states, in column 2:

> The present invention has application in any plasma tool, such as those that are used in deposition, etching, or in-situ dry clean processes on a chemical vapor deposition ("CVD"), etch, or physical vapor deposition ("PVD") system.

And in column 4:

> Thus, specific details of reaction chamber construction and electrode arrangement therein; actual RF signal generation and control, and plasma frequency/power levels are either considered well known or a matter of choice.
>
> ⋮
>
> It is expected that the present invention will find broad application in any process chamber employing a plasma as part of a process step.

Furthermore, the examiner takes Official Notice that the biasing of the substrate during an inductively coupled plasma process is an extremely common mode of plasma processing. Therefore, in view of the above noted teachings of Gupta, it is likely that the skilled artisan would immediately envisage the claimed mode of plasma processing.

Gupta does not teach progressively increasing the plasma excitation power in a manner to ensure that the thermal shock applied to the leakproof wall remains below a wall-destroying threshold.

It would have been obvious to one skilled in the art, at the time the invention was made, to operate the plasma apparatus in a manner that would not destroy the apparatus.

Gupta does not teach progressively establishing the plasma excitation power at the beginning of a reaction chamber's operation following a period of inactivity. And, Gupta does not teach the plasma process comprises a succession of etching periods that use fluorine-containing gas and passivation periods that use an etching passivation gas.

It would have been obvious to one skilled in the art, at the time the invention was made, to use Gupta's method when initiating the plasma for any plasma process,

including one at the beginning of a reaction chamber's operation, following a period of inactivity, and including a plasma process that comprises a succession of etching periods that use fluorine-containing gas and passivation periods that use an etching passivation gas because the benefit of reducing or eliminating wafer contamination by avoiding stirring up and circulating particles within the reaction chamber (column 3, lines 6-15) would be realized during any plasma start-up, including a plasma process that takes place following a period of inactivity and including a plasma process that comprises a succession of etching periods, which use a fluorine-containing gas, and passivation periods that use an etching passivation gas. The examiner takes Official notice that the Bosch process, which is a well-known and widely used plasma processing technique, comprising a succession of etching periods, using a fluorine-containing gas, and passivation periods using an etching passivation gas.

Gupta does not explicitly teach ramping the RF power to a level of 3000 W – 5000 W.

It would have been obvious to one skilled in the art to optimize the power conditions in a manner appropriate for the process being carried out as Gupta recognizes that plasma "power levels are either considered well known or a matter of choice." As Gupta teaches ramp rates as high as 2000 W per second and states that "the actual RF power level achieved at the end of the signal ramp-up is a matter of choice", the claimed 5000 W power level would be obvious to one skilled in the art as

this would be reached in only a matter of seconds when using the ramp rates taught by Gupta. See the following excerpt from column 4 of Gupta.

In the invention, the RF generator is chosen to operate at an industry standard frequency of 13.56 MHz, although other frequencies may be used. The RF generator may be of any type capable of generating high output power levels of up to 1200 watts or more in a controllable fashion. In the preferred embodiment of the invention, the RF generator ramp rate is a function of the rate at which a drive signal (which may be a drive voltage or a drive current, depending upon the method of operation of the RF generator) is supplied to the RF generator. The drive signal is programmed to a fast ramp (producing an RF generator output at a rate of 500-2000 watts/second) or a slow ramp (pro-

Thus, specific details of reaction chamber construction and electrode arrangement therein; actual RF signal generation and control, and plasma frequency/power levels are either considered well known or a matter of choice. Additionally, it should be noted that the actual RF power level achieved at the end of the signal ramp-up is a matter of choice as this embodiment of the invention is primarily concerned with the rate at which RF increase, and not with the ultimate level of RF power.

Response to Arguments

Applicant's arguments addressed the newly added limitation pertaining to the magnitude of the RF power. Applicant argues Gupta teaches a maximum power of 500 W. The examiner disagrees as Gupta teaches using an RF generator capable of output power levels of up to 1200 W or more (column 4, lines 156-18). Also Gupta teaches ramping at a rate of 2000W per second. Lastly Gupta acknowledges that the ultimate power level attained is a matter of choice that is well within the level of ordinary skill.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allan Olsen whose telephone number is 571-272-1441. The examiner can normally be reached on M, W and F: 1-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Parviz Hassanzadeh can be reached on 571-272-1435. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Allan Olsen/
Primary Examiner, Art Unit 1792